

House File 2651 - Enrolled

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HOUSE FILE 2651

AN ACT

RELATING TO POLICIES FOR THE ADMINISTRATION OF HIGHWAYS AND
THE REGULATION OF MOTOR VEHICLES AND TO DEPOSITS MADE BY A
COUNTY TO THE SECONDARY ROAD FUND, PHYSICAL ABILITY TESTS
REQUIRED FOR FIRE FIGHTER APPLICANTS, AND CERTAIN OBLIGATIONS
GUARANTEED BY HIGHWAY FUNDS INCLUDING MATTERS CONCERNING
UTILITY FACILITY RELOCATION DUE TO HIGHWAY CONSTRUCTION, THE
BID THRESHOLD FOR EMERGENCY HIGHWAY REPAIRS, PROVIDING FOR
NEW COLLEGIATE MOTOR VEHICLE REGISTRATION PLATES AND
PROVIDING FEES, THE FEE FOR REPLACEMENT OF SPECIAL DEALER
REGISTRATION PLATES, ANTIQUE MOTOR VEHICLE REGISTRATION FEES,
USED MOTOR VEHICLE DEALER EDUCATION REQUIREMENTS, PENALTIES
FOR SPEEDING VIOLATIONS COMMITTED IN ROAD WORK ZONES, ACCESS
TO PERSONS WITH DISABILITIES PARKING SPACES FOR CERTAIN
DISABLED VETERANS, AND PERMITS AND FEES FOR THE MOVEMENT OF
CERTAIN OVERSIZE OR OVERWEIGHT VEHICLES, DRINKING DRIVER
COURSES OFFERED AT STATE CORRECTIONAL FACILITIES, ESTABLISH-
MENT OF BENEFITED SECONDARY ROAD SERVICES DISTRICTS, AND THE
DEFEASANCE OF PETROLEUM UNDERGROUND STORAGE TANK FUND BONDS,
AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 306.47 UTILITY FACILITIES
RELOCATION POLICY.

It is the policy of the general assembly that a proactive,
cooperative coordination between the department, local
governments, private and public utility companies, and other
affected parties is the most effective way to minimize costs,
eliminate the need for utilities to relocate facilities, limit
disruption of utility services related to federal, state, or
local highway construction projects, and limit the potential
need for relocation of utility facilities.

All potentially affected parties shall be invited to
participate in development meetings at the design phase of a
highway construction project to review plans, understand goals
and objectives of the proposed project, and discuss options
that would limit the impact of the construction on utility
facilities and thereby minimize or even eliminate costs
associated with utility facility relocation. All
jurisdictions and other interested parties shall cooperate to
discuss strategies and policies to utilize the Iowa one call
system in the development of a highway construction project.
Failure of the affected parties to respond or participate
during the design phase shall not in any way affect the
ability of the federal, state, or local agency to proceed with
design and construction.

Sec. 2. Section 313.10, subsection 3, Code 2007, is
amended to read as follows:

3. The necessary work can be done for less than ~~five~~
~~hundred thousand and one million~~ dollars.

Sec. 3. NEW SECTION. 314.29 DICK DRAKE WAY.

The highway currently known as the industrial connector in
Muscatine shall be renamed "Dick Drake Way" in honor of
Richard Drake, who served for thirty-six years as a member of
the general assembly of the state of Iowa.

Sec. 4. Section 321.34, subsection 7, paragraph a, Code
Supplement 2007, is amended to read as follows:

a. Upon application and payment of the proper fees, the
director may issue to the owner of a motor vehicle subject to
registration under section 321.109, subsection 1, motor truck,
motor home, multipurpose vehicle, trailer over two thousand
pounds, or travel trailer registered in this state, collegiate
registration plates created pursuant to this subsection. Upon
receipt of the collegiate registration plates, the applicant
shall surrender the regular registration plates to the county
treasurer.

Sec. 5. Section 321.34, Code Supplement 2007, is amended
by adding the following new subsection:

NEW SUBSECTION. 7A. COLLEGIATE PLATES == PRIVATE
FOUR-YEAR COLLEGES AND UNIVERSITIES.

3 4 a. Upon application by a private four-year college or
3 5 university located in this state and payment of the initial
3 6 set-up costs for establishing the collegiate plate, the
3 7 department, in consultation with the college or university,
3 8 may design a special collegiate registration plate displaying
3 9 the colors associated with the college or university.

3 10 b. Upon application and payment of the proper fees, the
3 11 director may issue to the owner of a motor vehicle subject to
3 12 registration under section 321.109, subsection 1, motor truck,
3 13 motor home, multipurpose vehicle, trailer over two thousand
3 14 pounds, or travel trailer registered in this state, collegiate
3 15 registration plates created pursuant to this subsection. The
3 16 fee for the issuance of collegiate registration plates is
3 17 twenty-five dollars, which fee is in addition to the regular
3 18 annual registration fee for the vehicle. An applicant may
3 19 obtain a personalized collegiate registration plate upon
3 20 payment of the additional fee for a personalized plate as
3 21 provided in subsection 5 in addition to the collegiate plate
3 22 fee and the regular registration fee. The county treasurer
3 23 shall validate collegiate registration plates issued under
3 24 this subsection in the same manner as regular registration
3 25 plates, upon payment of five dollars in addition to the
3 26 regular annual registration fee. Upon receipt of the
3 27 collegiate registration plates, the applicant shall surrender
3 28 the regular registration plates to the county treasurer.

3 29 c. A personalized collegiate registration plate shall not
3 30 be issued if its combination of alphanumeric characters are
3 31 identical to those contained on a current personalized
3 32 registration plate issued under subsection 5. However, the
3 33 owner of a motor vehicle who has a personalized registration
3 34 plate issued for the motor vehicle may, after proper
3 35 application and payment of fees, be issued a collegiate
4 1 registration plate containing the same alphanumeric characters
4 2 as those on the personalized plate. Upon receipt of the
4 3 collegiate registration plates, the owner shall surrender the
4 4 personalized registration plates to the county treasurer.

4 5 Sec. 6. Section 321.42, subsection 1, Code 2007, is
4 6 amended to read as follows:

4 7 1. If a registration card, plate, or pair of plates is
4 8 lost or becomes illegible, the owner shall immediately apply
4 9 for replacement. The fee for a replacement registration card
4 10 ~~shall be~~ is three dollars. The fee for a replacement plate or
4 11 pair of plates ~~shall be other than a replacement of a special~~
4 12 ~~plate issued pursuant to section 321.60~~ is five dollars. The
4 13 fee for replacement of a special plate issued pursuant to
4 14 section 321.60 is forty dollars. When the owner has furnished
4 15 information required by the department and paid the proper
4 16 fee, a duplicate, substitute, or new registration card, plate,
4 17 or pair of plates may be issued. The county treasurer or the
4 18 department may waive the fee for a replacement plate if the
4 19 plate is lost during a documented accident.

4 20 Sec. 7. Section 321.166, subsection 5, Code 2007, is
4 21 amended to read as follows:

4 22 5. There shall be a marked contrast between the color of
4 23 the registration plates and the data which is required to be
4 24 displayed on the registration plates. When a new series of
4 25 registration plates is issued to replace a current series, the
4 26 new registration plates shall be of a distinctively different
4 27 color from the series which is replaced, except for collegiate
4 28 registration plates issued under section 321.34, subsection 7
4 29 or 7A.

4 30 Sec. 8. Section 321.253, Code 2007, is amended to read as
4 31 follows:

4 32 321.253 DEPARTMENT TO ERECT SIGNS.

4 33 1. The department shall place and maintain such
4 34 traffic-control devices, conforming to its manual and
4 35 specifications, upon all primary highways as it ~~shall deem~~
5 1 deems necessary to indicate and to carry out the provisions of
5 2 this chapter or to regulate, warn, or guide traffic. Whenever
5 3 practical, ~~said the~~ devices or signs shall be purchased from
5 4 the director of the Iowa department of corrections.

5 5 2. The department shall post signs informing motorists of
5 6 the penalties for speeding in a road work zone and that the
5 7 scheduled fine for committing a any other moving traffic
5 8 violation in a road work zone is doubled.

5 9 Sec. 9. Section 321E.1, Code 2007, is amended to read as
5 10 follows:

5 11 321E.1 PERMITS BY DEPARTMENT AND LOCAL AUTHORITIES.

5 12 1. The department and local authorities may in their
5 13 discretion and upon application and with good cause being
5 14 shown issue permits for the movement of construction machinery

5 15 or asphalt repavers being temporarily moved on streets, roads
5 16 or highways and for vehicles with indivisible loads which
5 17 exceed the maximum dimensions and weights specified in
5 18 sections 321.452 ~~to through~~ 321.466, but not to exceed the
5 19 limitations imposed in this section and sections 321E.1 to
5 20 321E.2 through 321E.15 except as provided in section 321E.29.
5 21 2. Vehicles permitted to transport indivisible loads may
5 22 exceed do any of the following:

5 23 a. Exceed the width and length limitations specified in
5 24 sections 321.454 and 321.457 for the purpose of picking up an
5 25 indivisible load or returning from delivery of the indivisible
5 26 load.

5 27 b. Move indivisible special mobile equipment which does
5 28 not otherwise exceed the maximum dimensions and weights
5 29 specified in sections 321.452 through 321.466 if the vehicle
5 30 has an overall width not to exceed nine feet and all other
5 31 conditions of the vehicle's permit are met.

5 32 3. Permits issued may be single-trip, multi-trip, or
5 33 annual permits. Permits shall be in writing and shall be
5 34 carried in the cab of the vehicle for which the permit has
5 35 been issued and shall be available for inspection at all
6 1 times. The vehicle and load for which the permit has been
6 2 issued shall be open to inspection by a peace officer or an
6 3 authorized agent of a permit granting authority.

6 4 4. When in the judgment of the issuing authority in cities
6 5 and counties the movement of a vehicle with an indivisible
6 6 load or construction machinery which exceeds the maximum
6 7 dimensions and weights will be unduly hazardous to public
6 8 safety or will cause undue damage to streets, avenues,
6 9 boulevards, thoroughfares, highways, curbs, sidewalks, trees,
6 10 or other public or private property, the permit shall be
6 11 denied and the reasons for denial endorsed on the application.
6 12 Permits shall designate the days when and routes upon which
6 13 loads and construction machinery may be moved within a county
6 14 on other than primary roads.

6 15 5. Local authorities may allow persons requesting permits
6 16 under this chapter to do so by means of a telephone or
6 17 facsimile machine, authorizing payment for the permits to be
6 18 made upon receipt of an invoice sent to the persons by the
6 19 local authorities.

6 20 Sec. 10. Section 321E.7, subsection 4, Code Supplement
6 21 2007, is amended to read as follows:

6 22 4. Notwithstanding subsections 1 and 2, a self-propelled
6 23 implement of husbandry traveling under a permit issued
6 24 pursuant to section 321E.8A may exceed the maximum axle loads
6 25 prescribed under section 321.463 only when operated on a
6 26 noninterstate highway in a county covered under the permit,
6 27 provided the weight on any one axle does not exceed
6 28 twenty-five thousand pounds, and provided the current and
6 29 valid permit is carried in the vehicle. ~~For purposes of this~~
~~6 30 subsection, "noninterstate highway" does not include a bridge.~~
6 31 However, a vehicle traveling under a permit issued pursuant to
6 32 section 321E.8A is not exempt from posted weight limitations
6 33 on bridges.

6 34 Sec. 11. Section 321E.8, Code 2007, is amended by adding
6 35 the following new subsection:

7 1 NEW SUBSECTION. 3. Notwithstanding any other provision of
7 2 law to the contrary, cranes exceeding the maximum gross weight
7 3 on any axle as prescribed in section 321.463 and used in the
7 4 construction of alternative energy facilities may be moved
7 5 with approval from the permit issuing authority.

7 6 Sec. 12. Section 321E.8A, subsection 1, Code Supplement
7 7 2007, is amended to read as follows:

7 8 1. A self-propelled implement of husbandry equipped with
7 9 flotation tires that is designed to be loaded and operated in
7 10 the field and used exclusively for the application of organic
7 11 or inorganic plant food materials, agricultural limestone, or
7 12 agricultural chemicals, and that, as newly manufactured,
7 13 exceeds the axle weight limits under section 321.463 when
7 14 unloaded, may be operated on noninterstate highways, ~~excluding~~
~~7 15 bridges,~~ in a county pursuant to a permit issued by the
7 16 department for travel within the county, provided the vehicle
7 17 does not violate posted weight limitations on bridges. Prior
7 18 to issuing a permit, the department shall collect a fee of six
7 19 hundred dollars for each county in which the vehicle will be
7 20 operated during the period of the permit beginning July 1 and
7 21 ending June 30, provided that a permit shall not be issued for
7 22 a vehicle for operation in more than ten counties and the
7 23 total amount of fees collected for a vehicle for the period of
7 24 the permit shall not exceed three thousand five hundred
7 25 dollars. Moneys collected by the department on behalf of the

counties in which the vehicle will be operated shall be allotted equally to those counties and deposited in the secondary road funds of those counties. A vehicle for which a permit is issued under this section shall be assigned a permit number that shall be displayed on the door of the vehicle in numbers that contrast sharply in color with the background on which the number is placed, be readily legible during daylight hours from a distance of fifty feet when the vehicle is stationary, and be maintained in a manner that retains the legibility. Only vehicles originally purchased or ordered prior to February 1, 2007, are eligible for a permit. New permits shall not be issued on or after July 1, 2007; however, a permit issued for a vehicle under this section prior to July 1, 2007, may be renewed for that vehicle annually upon payment of the appropriate county fees.

Sec. 13. Section 321E.9, subsection 3, Code 2007, is amended to read as follows:

3. Cranes ~~exceeding the maximum gross weight on any axle as prescribed in section 321.463 but not exceeding twenty-four thousand pounds~~ may be moved in accordance with rules adopted pursuant to chapter 17A. Notwithstanding any other provision of law to the contrary, cranes exceeding the maximum gross weight on any axle as prescribed in section 321.463 and used in the construction of alternative energy facilities may be moved with approval from the permit issuing authority.

Sec. 14. NEW SECTION. 321E.9B SPECIAL ALTERNATIVE ENERGY MULTITRIP PERMIT.

Subject to the discretion and judgment provided for in section 321E.1, a multitrip permit shall be issued for operation of vehicles in accordance with the following provisions:

1. Vehicles with an indivisible load having an overall length not to exceed two hundred twenty-five feet, an overall width not to exceed sixteen feet, a height not to exceed sixteen feet, and a total gross weight not to exceed two hundred fifty-six thousand pounds may be moved on highways specified by the permitting authority to an alternative energy construction site or staging area for alternative energy transportation, provided the gross weight on any one axle shall not exceed twenty thousand pounds.

2. The special alternative energy multitrip permit shall not exceed twelve months in duration.

3. The permitting authority shall have discretion to include restrictions and require special considerations, such as responsibility for protection or repair of the roadway and bridges, prior to issuance of the permit.

Sec. 15. Section 321E.14, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department or local authorities issuing permits shall charge a fee of twenty-five dollars for an annual permit issued under section 321E.8, subsection 1, a fee of three hundred dollars for an annual permit issued under section 321E.8, subsection 2, a fee of two hundred dollars for a ~~multi-trip multitrip permit issued under section 321E.9A, a fee of six hundred dollars for a special alternative energy multitrip permit issued under section 321E.9B~~, and a fee of ten dollars for a single-trip permit, and shall determine charges for special permits issued pursuant to section 321E.29 by rules adopted pursuant to chapter 17A. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the issuing authority. A fee not to exceed two hundred fifty dollars per day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 75, operated pursuant to section 321E.7, subsection 3, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.

10 2 Sec. 16. Section 321J.22, subsections 2, 4, and 5, Code
10 3 2007, are amended to read as follows:

10 4 2. a. The course provided according to this section shall
10 5 be offered on a regular basis at each community college as
10 6 defined in section 260C.2, or by substance abuse treatment
10 7 programs licensed under chapter 125, or may be offered at a
10 8 state correctional facility listed in section 904.102.

10 9 However, a community college shall not be required to offer
10 10 the course if a substance abuse treatment program licensed
10 11 under chapter 125 offers the course within the merged area
10 12 served by the community college.

10 13 b. Enrollment in the courses is not limited to persons
10 14 ordered to enroll, attend, and successfully complete the
10 15 course required under sections 321J.2 and 321J.17, subsection
10 16 2. However, any person under age eighteen who is required to
10 17 attend the courses for violation of section 321J.2 or 321J.17
10 18 must attend a course offered by a substance abuse treatment
10 19 program licensed under chapter 125.

10 20 c. The course required by this section shall be:

10 21 (1) Taught by a community college under the supervision of
10 22 the department of education or by a substance abuse treatment
10 23 program licensed under chapter 125, and may be offered at a
10 24 state correctional facility.

10 25 (2) Approved by the department of education, in
10 26 consultation with the community colleges, ~~and~~ substance abuse
10 27 treatment programs licensed under chapter 125, the department
10 28 of public health, and the department of corrections.

10 29 d. The department of education shall establish reasonable
10 30 fees to defray the expense of obtaining classroom space,
10 31 instructor salaries, and class materials for courses offered
10 32 both by community colleges and by substance abuse treatment
10 33 programs licensed under chapter 125, or for classes offered at
10 34 a state correctional facility, and for administrative expenses
10 35 incurred by the department of education in implementing
11 1 subsection 5 on behalf of in-state and out-of-state offenders.

11 2 e. A person shall not be denied enrollment in a course by
11 3 reason of the person's indigency.

11 4 4. The department of education, ~~and~~ substance abuse
11 5 treatment programs licensed under chapter 125, and state
11 6 correctional facilities shall prepare for their respective
11 7 courses a list of the locations of the courses taught under
11 8 this section, the dates and times taught, the procedure for
11 9 enrollment, and the schedule of course fees. The list shall
11 10 be kept current and a copy of the list shall be sent to each
11 11 court having jurisdiction over offenses provided in this
11 12 chapter.

11 13 5. The department of education, ~~and~~ substance abuse
11 14 treatment programs licensed under chapter 125, and state
11 15 correctional facilities shall maintain enrollment, attendance,
11 16 successful and unsuccessful completion data for their
11 17 respective courses on the persons ordered to enroll, attend,
11 18 and successfully complete a course for drinking drivers. This
11 19 data shall be forwarded to the court by ~~both~~ the department of
11 20 education, ~~and~~ substance abuse treatment programs licensed
11 21 under chapter 125, and the department of corrections.

11 22 Sec. 17. Section 321L.2, Code 2007, is amended by adding
11 23 the following new subsection:

11 24 NEW SUBSECTION. 5. A seriously disabled veteran who has
11 25 been provided with an automobile or other vehicle by the
11 26 United States government under the provisions of 38 U.S.C. }
11 27 1901 et seq. (1970) is not required to apply for a
11 28 disabilities parking permit under this section unless the
11 29 veteran has been issued special registration plates or
11 30 personalized plates for the vehicle. The regular registration
11 31 plates issued for the disabled veteran's vehicle without fee
11 32 pursuant to section 321.105 entitle the disabled veteran to
11 33 all of the rights and privileges associated with persons with
11 34 disabilities parking permits under this chapter.

11 35 Sec. 18. Section 322.7A, subsection 2, Code Supplement
12 1 2007, is amended to read as follows:

12 2 2. A person seeking renewal of a used motor vehicle dealer
12 3 license shall complete a minimum of five hours of continuing
12 4 education program courses over a two-year period pursuant to
12 5 this section prior to submitting an application for license
12 6 renewal. However, an applicant for renewal of a used motor
12 7 vehicle dealer license who has met the preclicensing education
12 8 requirement under subsection 1 within the preceding ~~twelve~~
12 9 twenty-four months is exempt from the continuing education
12 10 requirement for license renewal.

12 11 Sec. 19. Section 331.382, subsection 8, unnumbered
12 12 paragraph 2, Code 2007, is amended to read as follows:

12 13 However, the board may assume and exercise the powers and
12 14 duties of a governing body under chapter 357, 357A, 357B, 358
12 15 or chapter 468, subchapter III, if a governing body
12 16 established under one of those chapters has insufficient
12 17 membership to perform its powers and duties, and the board,
12 18 upon petition of the number of property owners within a
12 19 proposed district and filing of a bond as provided in section
12 20 357A.2, may establish a service district within the
12 21 unincorporated area of the county and exercise within the
12 22 district the powers and duties granted in chapter 357, 357A,
12 23 357B, 357C, 357I, 358, 359, 384, division IV, or chapter 468,
12 24 subchapter III.

12 25 Sec. 20. Section 331.429, subsection 1, paragraphs a and
12 26 b, Code 2007, are amended to read as follows:

12 27 a. Transfers from the general fund not to exceed in any
12 28 year the dollar equivalent of a tax of sixteen and
12 29 seven-eighths cents per thousand dollars of assessed value on
12 30 all taxable property in the county multiplied by the ratio of
12 31 current taxes actually collected and apportioned for the
12 32 general basic levy to the total general basic levy for the
12 33 current year, and an amount equivalent to the moneys derived
12 34 by the general fund from military service tax credits under
12 35 chapter 426A, manufactured or mobile home taxes under section
13 1 435.22, and delinquent taxes for prior years collected and
13 2 apportioned to the general basic fund in the current year,
13 3 multiplied by the ratio of sixteen and seven-eighths cents to
13 4 three dollars and fifty cents. The limit on transfers in this
13 5 paragraph applies only to property tax revenue and is not a
13 6 limit on transfers of revenue generated from sources other
13 7 than property taxes.

13 8 b. Transfers from the rural services fund not to exceed in
13 9 any year the dollar equivalent of a tax of three dollars and
13 10 three-eighths cents per thousand dollars of assessed value on
13 11 all taxable property not located within the corporate limits
13 12 of a city in the county multiplied by the ratio of current
13 13 taxes actually collected and apportioned for the rural
13 14 services basic levy to the total rural services basic levy for
13 15 the current year and an amount equivalent to the moneys
13 16 derived by the rural services fund from military service tax
13 17 credits under chapter 426A, manufactured or mobile home taxes
13 18 under section 435.22, and delinquent taxes for prior years
13 19 collected and apportioned to the rural services basic fund in
13 20 the current year, multiplied by the ratio of three dollars and
13 21 three-eighths cents to three dollars and ninety-five cents.
13 22 The limit on transfers in this paragraph applies only to
13 23 property tax revenue and is not a limit on transfers of
13 24 revenue generated from sources other than property taxes.

13 25 Sec. 21. NEW SECTION. 357I.1 DEFINITIONS.

13 26 As used in this chapter, unless the context otherwise
13 27 requires:

13 28 1. "Board" means the board of supervisors of a county.

13 29 2. "Book", "list", "record", or "schedule" kept by a
13 30 county auditor, assessor, treasurer, recorder, sheriff, or
13 31 other county officer means the county system as defined in
13 32 section 445.1.

13 33 3. "District" means a benefited secondary road services
13 34 district.

13 35 4. "Trustee" means a trustee of a district.

14 1 Sec. 22. NEW SECTION. 357I.2 PETITION FOR PUBLIC
14 2 HEARING.

14 3 1. The board shall, on the petition of twenty-five percent
14 4 of the resident property owners in a proposed district if the
14 5 assessed valuation of the property owned by the petitioners
14 6 represents at least twenty-five percent of the total assessed
14 7 value of the proposed district, hold a public hearing
14 8 concerning the establishment of a proposed district. The
14 9 petition shall include a statement containing the following
14 10 information:

14 11 a. The need for secondary road services.

14 12 b. The district to be served.

14 13 c. The approximate number of families in the district.

14 14 d. A general description of the secondary road services to
14 15 be provided in the district by the county.

14 16 2. The board may require a bond of the petitioners
14 17 conditioned for the payment of all costs and expenses incurred
14 18 in the proceedings in case the district is not established.

14 19 3. If part or all of the proposed district lies within two
14 20 miles of the boundaries of a city, the board shall send a copy
14 21 of the petition to each such city before scheduling the public
14 22 hearing on the petition. A city that receives a copy of the
14 23 petition may require that any road or street improvements and

14 24 associated drainage improvements constructed within the
14 25 district after establishment of the district be constructed in
14 26 compliance with requirements for such improvements then in
14 27 effect within the city. The city shall notify the board of
14 28 the city's response to the petition within thirty days of
14 29 receiving the petition. If the city wants requirements for
14 30 road or street improvements and associated drainage
14 31 improvements then in effect within the city to apply within
14 32 the district, the requirements shall be included in the
14 33 resolution of the board establishing the district and shall be
14 34 incorporated into the plans and specifications for the
14 35 improvements prepared by the district engineer or county
15 1 engineer. The plans and specifications shall be subject to
15 2 approval by the board and by the city council of each affected
15 3 city, which approval must occur before commencement of
15 4 construction. If costs for construction of improvements
15 5 according to a city's standards exceed the costs for such
15 6 construction according to county standards, the petitioner
15 7 shall pay the difference in the costs.

15 8 Sec. 23. NEW SECTION. 357I.3 LIMITATION ON AREA AND
15 9 PROPERTY COMPRISING DISTRICT.

15 10 1. A district is limited to property within a residential
15 11 subdivision that was in existence prior to January 1, 2007,
15 12 and that has received county road services pursuant to an
15 13 agreement between the county and residents of the subdivision
15 14 prior to July 1, 2008.

15 15 2. Subject to the limitations in subsection 1, a district
15 16 may include all or parts of the unincorporated areas of one
15 17 township and any unincorporated areas of adjoining townships
15 18 or parts of adjoining townships.

15 19 Sec. 24. NEW SECTION. 357I.4 TIME OF HEARING.

15 20 The public hearing required in section 357I.2 shall be held
15 21 within thirty days of the presentation of the petition.
15 22 Notice of hearing shall be given by publication in two
15 23 successive issues of any newspaper of general circulation
15 24 within the district. The last publication shall be not less
15 25 than one week before the proposed hearing.

15 26 Sec. 25. NEW SECTION. 357I.5 ACTION BY BOARD.

15 27 After, and within ten days of, the hearing, the board shall
15 28 either establish the district by resolution or disallow the
15 29 petition.

15 30 Sec. 26. NEW SECTION. 357I.6 ENGINEER.

15 31 1. When the board establishes a district, the board shall
15 32 appoint a competent disinterested civil engineer, who shall
15 33 prepare a preliminary plat showing:

15 34 a. The proper design in general outline of the district.

15 35 b. The lots and parcels of land within the proposed
16 1 district as they appear on the county auditor's plat books
16 2 with the names of the owners.

16 3 c. The assessed valuation of the lots and parcels.

16 4 2. The compensation of the engineer on the preliminary
16 5 investigation shall be determined by the board. The engineer
16 6 shall file a report with the county auditor within thirty days
16 7 of appointment. The board may extend the time upon good cause
16 8 shown.

16 9 Sec. 27. NEW SECTION. 357I.7 HEARING ON ENGINEER'S
16 10 REPORT.

16 11 After the engineer's report is filed, the board shall give
16 12 notice, as provided in section 357I.4, of a public hearing to
16 13 be held concerning the engineer's preliminary plat.

16 14 Sec. 28. NEW SECTION. 357I.8 ELECTION ON PROPOSED LEVY
16 15 AND CANDIDATES FOR TRUSTEES.

16 16 When a preliminary plat has been approved by the board, an
16 17 election shall be held within the district within sixty days
16 18 to approve or disapprove the levy of a tax not to exceed in
16 19 any fiscal year one dollar per thousand dollars of assessed
16 20 value on all the taxable property within the district and to
16 21 choose candidates for the offices of trustees of the district.

16 22 Notice of the election, including the time and place of
16 23 holding the election, shall be given as provided in section
16 24 357I.4. The vote shall be by ballot which shall state clearly

16 25 the proposition to be voted upon and any registered voter
16 26 residing within the district at the time of the election may
16 27 vote. It is not mandatory for the county commissioner of
16 28 elections to conduct elections held pursuant to this chapter,
16 29 but the elections shall be conducted in accordance with
16 30 chapter 49 where not in conflict with this chapter. Judges
16 31 shall be appointed to serve without pay by the board from
16 32 among the registered voters of the district to be in charge of
16 33 the election. The proposition is approved if sixty percent of
16 34 those voting on the proposition vote in favor of it.

16 35 Sec. 29. NEW SECTION. 357I.9 TRUSTEES == TERM AND
17 1 QUALIFICATION.

17 2 At the election, the names of up to three candidates for
17 3 trustee shall be written in by the voters on blank ballots
17 4 without formal nomination and the board shall appoint three
17 5 from among the five receiving the highest number of votes as
17 6 trustees for the district. One trustee shall be appointed to
17 7 serve for one year, one for two years, and one for three
17 8 years. The trustees and their successors must be residents of
17 9 the district and shall give bond in the amount required by the
17 10 board, the premium of which shall be paid by the district.
17 11 Vacancies shall be filled by election, but if there are no
17 12 candidates for a trustee office, the vacancy may be filled by
17 13 appointment by the board. The term of succeeding trustees
17 14 shall be three years.

17 15 Sec. 30. NEW SECTION. 357I.10 TRUSTEES' POWERS.

17 16 The trustees may contract only with the county to provide
17 17 road services including road paving, reconstruction, or
17 18 maintenance, according to the county's standards for such
17 19 services, on roads within the district and on any road outside
17 20 the district that provides a direct route between the
17 21 subdivision comprising the district and the nearest paved
17 22 street or highway, other than roads identified under section
17 23 357I.2, subsection 3, and may certify for levy an annual tax
17 24 as provided in section 357I.8. The trustees may purchase
17 25 materials incidental to the administrative functions of the
17 26 trustees and perform all other acts necessary to properly
17 27 maintain and operate the district. The trustees are allowed
17 28 necessary expenses in the discharge of their duties, but they
17 29 shall not receive a salary.

17 30 Sec. 31. NEW SECTION. 357I.10A REVENUES EXCLUDED FROM
17 31 COUNTY GENERAL FUND TRANSFERS.

17 32 The amount of revenue collected from the tax levied
17 33 pursuant to section 357I.8 shall not be included in the
17 34 calculation of property tax revenues transferred to the
17 35 secondary road fund annually under section 331.429.

18 1 Sec. 32. NEW SECTION. 357I.11 BONDS IN ANTICIPATION OF
18 2 REVENUE.

18 3 A district may anticipate the collection of taxes by the
18 4 levy authorized in this chapter, and to carry out the purposes
18 5 of this chapter may issue bonds payable in not more than ten
18 6 equal installments with the rate of interest not exceeding
18 7 that permitted by chapter 74A. An indebtedness shall not be
18 8 incurred under this chapter until authorized by an election.
18 9 The election shall be held and notice given in the same manner
18 10 as provided in section 357I.8, and the same sixty percent vote
18 11 shall be necessary to authorize indebtedness. Both
18 12 propositions may be submitted to the voters at the same
18 13 election.

18 14 Sec. 33. NEW SECTION. 357I.12 DISSOLUTION OF DISTRICT.

18 15 Upon petition of thirty-five percent of the resident
18 16 eligible electors, the board may dissolve a district and
18 17 dispose of any remaining property, the proceeds of which shall
18 18 first be applied against outstanding obligations and any
18 19 balance shall be applied to tax credit of property owners of
18 20 the district. However, if the district is annexed, the board
18 21 of supervisors may transfer the remaining property and balance
18 22 to the city which annexed the territory. The board shall
18 23 continue to levy a tax after dissolution of a district, of not
18 24 to exceed twenty-seven cents per thousand dollars of assessed
18 25 value on all the taxable property of the district, until all
18 26 outstanding obligations of the district are paid.

18 27 Sec. 34. NEW SECTION. 357I.13 INCORPORATION OF DISTRICT
18 28 LAND.

18 29 If part of a district is incorporated by a city and there
18 30 are outstanding indebtedness obligations against the district,
18 31 the city shall pay the outstanding obligations against the
18 32 part of the district which is incorporated by the city.

18 33 Sec. 35. Section 321.115, subsection 1, as enacted in 2007
18 34 Iowa Acts, chapter 143, section 12, is amended to read as
18 35 follows:

19 1 1. a. A motor vehicle twenty-five years old or older may
19 2 be registered as an antique vehicle upon payment of. The
19 3 annual registration fee is the fee provided for in section
19 4 321.113, 321.122, or 321.124.

19 5 b. The owner of a motor truck, truck tractor, road
19 6 tractor, or motor home that is twenty-five years old or older
19 7 who desires to use the vehicle exclusively for exhibition or
19 8 educational purposes at state or county fairs, or at other
19 9 places where the vehicle may be exhibited for entertainment or
19 10 educational purposes, may register the vehicle as a "limited

19 11 use" vehicle in accordance with sections 321.58 through
19 12 321.62. The "limited use" registration under this paragraph
19 13 permits driving of the vehicle upon the public roads to and
19 14 from state and county fairs or other places of entertainment
19 15 or education for exhibition or educational purposes and to and
19 16 from service stations for the purpose of receiving necessary
19 17 maintenance, or for the purposes of transporting, testing,
19 18 demonstrating, or selling the vehicle.

19 19 c. The owner of a motor vehicle registered under this
19 20 subsection may display authentic Iowa registration plates from
19 21 the model year of the motor vehicle, furnished by the person
19 22 and approved by the department, in lieu of the current and
19 23 valid Iowa registration plates issued for the vehicle,
19 24 provided that the current and valid Iowa registration plates
19 25 and the registration card issued for the vehicle are
19 26 simultaneously carried within the vehicle and are available
19 27 for inspection to any peace officer upon the officer's
19 28 request.

19 29 Sec. 36. Section 805.8A, subsection 14, paragraph i, Code
19 30 2007, is amended to read as follows:

19 31 i. ROAD WORK ZONE VIOLATIONS. The scheduled fine for any
19 32 moving traffic violation under chapter 321, as provided in
19 33 this section, shall be doubled if the violation occurs within
19 34 any road work zone, as defined in section 321.1. However,
19 35 notwithstanding subsection 5, the scheduled fine for violating
20 1 the speed limit in a road work zone is as follows:

20 2 (1) One hundred fifty dollars for speed not more than ten
20 3 miles per hour over the posted speed limit.

20 4 (2) Three hundred dollars for speed greater than ten but
20 5 not more than twenty miles per hour over the posted speed
20 6 limit.

20 7 (3) Five hundred dollars for speed greater than twenty but
20 8 not more than twenty-five miles per hour over the posted speed
20 9 limit.

20 10 (4) One thousand dollars for speed greater than
20 11 twenty-five miles per hour over the posted speed limit.

20 12 Sec. 37. 2007 Iowa Acts, chapter 143, section 35,
20 13 subsection 4, is amended to read as follows:

20 14 4. The sections of this Act amending sections 321.112 and
20 15 321.115 take effect ~~July 1, 2008~~ January 1, 2009.

20 16 Sec. 38. 2007 Iowa Acts, chapter 167, is repealed.

20 17 Sec. 39. COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK
20 18 FUND BONDS == DEFEASANCE. The Iowa comprehensive petroleum
20 19 underground storage tank fund board shall authorize the Iowa
20 20 finance authority to defease all bonds issued pursuant to
20 21 chapter 455G prior to June 30, 2008. The authority shall
20 22 defease the bonds by June 30, 2008, from funds available in
20 23 the Iowa comprehensive petroleum underground storage tank
20 24 fund.

20 25 Sec. 40. EFFECTIVE DATE. The sections of this Act
20 26 amending sections 321E.8, 321E.9, 321E.14, and 322.7A, the
20 27 section enacting section 321E.9B, and the section repealing
20 28 2007 Iowa Acts, chapter 167, being deemed of immediate
20 29 importance, take effect upon enactment.

20 30 Sec. 41. CONTINGENT EFFECTIVENESS. The section of this
20 31 Act relating to the defeasance of petroleum underground
20 32 storage tank fund bonds takes effect only upon enactment of
20 33 legislation striking section 423.43, subsection 1, paragraph
20 34 "a", Code Supplement 2007, by the Eighty-second General
20 35 Assembly.

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21 4
21 5 PATRICK J. MURPHY
21 6 Speaker of the House
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21 9
21 10 JOHN P. KIBBIE
21 11 President of the Senate

21 12 I hereby certify that this bill originated in the House and
21 13 is known as House File 2651, Eighty-second General Assembly.

21 14
21 15
21 16
21 17 MARK BRANDSGARD
21 18 Chief Clerk of the House

21 19 Approved _____, 2008

21 20
21 21

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21	23	CHESTER J. CULVER
21	24	Governor
